

**REMARKS**

Reconsideration and allowance of the subject application respectfully requested. Upon entry of this Amendment, claims 1, 2 and 4-15 are pending in the application. In response to the November 3, 2004 Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, Applicant thanks the Examiner for indicating that dependent claims 4 and 6-9 would be allowable if rewritten in independent form. However, Applicant respectfully requests the Examiner to hold in abeyance the rewriting of these claims until the Examiner has had the opportunity to reconsider the rejected parent claims in light of the arguments presented below in support of the Applicant's traverse of the rejection.

Claims 1, 2, 5 and 10-15 rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa et al. (USP 5,907,375) in view of newly cited Kubo et al. (USP 6,124,919).

Applicant respectfully submits that the claimed invention should be allowable because Nishikawa and Kubo do not teach or suggest all of the features of the claims, and one of ordinary skill in the art would not have been motivated to modify Nishikawa's liquid crystal display panel to include a colored substrate based on the teachings of Kubo.

With regard to claims 1, 2 and 4-15, the Examiner asserts that Nishikawa discloses all of the features of the claimed invention except for the liquid-crystal display panel comprising a colored substrate. However, the Examiner cites Kubo for "disclos[ing] a half reflection type liquid crystal display device having matched phase of transmitted and reflected light wherein in Fig. 2, liquid crystal display panel has color filters 12." The Examiner further asserts that "[i]t

would have been obvious to ... include the color liquid crystal panel in Nishikawa et al. as taught by Kubo et al. in order to have a liquid crystal display device with increased functionality.”

Independent claim 1 is directed to “[a] touch type liquid-crystal display device comprising: a liquid-crystal display panel ...; and a touch panel disposed on a back side, opposite to a visual side, of said liquid-crystal display panel.” Claim 1, as amended, further recites that “said touch panel comprises at least a first pair of electrodes disposed to be opposite to each and separated by a gap, ... said liquid-crystal display panel comprises a second pair of electrodes and a colored substrate provided on a touch panel side of said second pair of electrodes, and said first pair of electrodes are disposed on a back side, opposite to a visual side, of said colored substrate.” Independent claim 15 recites similar limitations in method format.

Applicant respectfully submits that Kubo does not provide any suggestion or motivation to modify Nishikawa’s liquid crystal display panel substrate (PES sheet 45) to be colored. Moreover, Kubo does not provide any suggestion or motivation to modify Nishikawa’s display panel to provide a color substrate disposed on a touch-panel side of the liquid crystal display panel electrodes.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference.” *Ex parte Clapp* 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art

suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). However, in the present case, the Examiner has not provided any objective reasoning why one of ordinary skill in the art would have been motivated to modify Nishikawa other than simply stating that the proposed modification would provide “increased functionality”. Further, the Examiner does not point out any portion of Kubo which suggests the desirability of modifying Nishikawa’s teachings.

Kubo merely discloses a color filter for a color liquid crystal display. As shown in Figure 2, Kubo teaches that a color filter 12 may be disposed on a back surface of an upper (visual side) substrate 5. Thus, even if one of ordinary skill in the art would have been motivated to modify Nishikawa based on the teachings of Kubo, which Applicant submits is incorrect, the resulting liquid crystal display panel would simply include a color filter provided on the upper (visual side) substrate, rather than the lower (touch panel side) substrate, and the electrodes of the touch panel would not be disposed on a back side, opposite to a visual side, of the substrate with the color filter.

In view of the above, Applicant respectfully submits that claims 1, 2 and 4-15 should be allowable over the cited references.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No. 09/835,316

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp  
Registration No. 41,157

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 2, 2005

Attorney Docket No.: Q64129